



## Senate

General Assembly

**File No. 442**

February Session, 2006

Substitute Senate Bill No. 4

*Senate, April 10, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROVIDING ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-751b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) [If] Except as provided in subsection (c) of this section, if parental  
4 rights were terminated on or after October 1, 1995, any information  
5 tending to identify the adult adopted or adoptable person, a biological  
6 parent, including a person claiming to be the father who was not a  
7 party to the proceedings for termination of parental rights, or adult  
8 biological sibling shall not be disclosed unless written consent is  
9 obtained from the person whose identity is being requested.

10 (b) [If] Except as provided in subsection (c) of this section, if  
11 parental rights were terminated on or before September 30, 1995, (1)  
12 any information tending to identify the biological parents, including a  
13 person claiming to be the father who was not a party to the

14 proceedings for the termination of parental rights, shall not be  
15 disclosed unless written consent is obtained from each biological  
16 parent who was a party to such proceedings, and (2) identifying  
17 information shall not be disclosed to a biological parent, including a  
18 person claiming to be the father who was not a party to the  
19 proceedings for termination of parental rights, without the written  
20 consent of each biological parent who was a party to such proceedings  
21 and the consent of the adult adopted or adoptable person whose  
22 identity is being requested.

23 (c) Regardless of the date parental rights were terminated, any adult  
24 adopted person whose adoption was finalized on or after October 1,  
25 2006, and for whom a new certificate of birth was established on or  
26 after October 1, 2006, pursuant to section 7-53, as amended by this act,  
27 or if such person is deceased, an authorized applicant as defined in  
28 subparagraph (D) of subdivision (3) of section 45a-743, may apply for  
29 and receive a copy of (1) the person's sealed original birth certificate or  
30 record pursuant to section 7-51, as amended by this act, and (2) any  
31 contact preference form attached to the sealed original birth certificate  
32 or record pursuant to section 7-51, as amended by this act. Nothing in  
33 this subsection shall be construed to limit such person's or authorized  
34 applicant's access to information pursuant to this part.

35 [(c)] (d) If the whereabouts of any person whose identity is being  
36 sought are unknown, the court shall appoint a guardian ad litem  
37 pursuant to subsection (c) of section 45a-753.

38 [(d)] (e) When the authorized applicant requesting identifying  
39 information has contact with a biological sibling who is a minor,  
40 identifying information shall not be disclosed unless consent is  
41 obtained from the adoptive parents or guardian or guardian ad litem  
42 of the sibling.

43 [(e)] (f) Any information tending to identify any adult relative other  
44 than a biological parent shall not be disclosed unless written consent is  
45 obtained from such adult relative. The consent of any biological  
46 parents common to the person making the request and the person to

47 be identified shall be required unless (1) the parental rights of such  
48 parents have been terminated and not reinstated, guardianship has  
49 been removed and not reinstated or custody has been removed and  
50 not reinstated with respect to such adult relative, or (2) the adoption  
51 was finalized on or after June 12, 1984. No consent shall be required if  
52 the person to be identified is deceased. If the person to be identified is  
53 deceased, the information that may be released shall be limited as  
54 provided in subsection (e) of section 45a-753.

55     ~~[(f)]~~ (g) Any adult person for whom there is only removal of custody  
56 or removal of guardianship as specified in subsection (b) of section  
57 45a-750, as amended by this act, may apply in person or in writing to  
58 the child-placing agency, the department, the court of probate or the  
59 superior court ~~[which]~~ that has the information. Such information shall  
60 be made available within sixty days of receipt of such request unless  
61 the child-placing agency, department or court notifies the person  
62 requesting the information that it cannot be made available within  
63 sixty days and states the reason for the delay. If the person making  
64 such request is a resident of this state and it appears that counseling is  
65 advisable with release of the information, the child-placing agency or  
66 department may request that the person appear for an interview. If the  
67 person making such request is not a resident of this state, and if it  
68 appears that counseling is advisable with release of the information,  
69 the child-placing agency, department or court may refer the person to  
70 an out-of-state agency or appropriate governmental agency or  
71 department, approved by the department or accredited by the Child  
72 Welfare League of America, the National Conference of Catholic  
73 Charities, the Family Services Association of America or the Council  
74 on Accreditation of Services of Families and Children. If an out-of-state  
75 referral is made, the information shall be released to the out-of-state  
76 child-placing agency or department for release to the applicant,  
77 provided such information shall not be released unless the out-of-state  
78 child-placing agency or department is satisfied as to the identity of the  
79 person.

80     Sec. 2. Section 7-51 of the general statutes is repealed and the

81 following is substituted in lieu thereof (*Effective October 1, 2006*):

82 (a) (1) The department and registrars of vital [records] statistics shall  
83 restrict access to and issuance of a certified copy of birth and fetal  
84 death records and certificates less than one hundred years old, to  
85 eligible parties described in subdivision (2) of this subsection and the  
86 following eligible parties: [(1)] (A) The person whose birth is recorded,  
87 if over eighteen years of age; [(2)] (B) such person's children,  
88 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the  
89 chief executive officer of the municipality where the birth or fetal death  
90 occurred, or the chief executive officer's authorized agent; [(4)] (D) the  
91 local director of health for the town or city where the birth or fetal  
92 death occurred or where the mother was a resident at the time of the  
93 birth or fetal death, or the director's authorized agent; [(5)] (E)  
94 attorneys-at-law and title examiners representing such person or such  
95 person's parent, guardian, child or surviving spouse; [(6)] (F) members  
96 of genealogical societies incorporated or authorized by the Secretary of  
97 the State to do business or conduct affairs in this state; [(7)] (G) agents  
98 of a state or federal agency as approved by the department; and [(8)]  
99 (H) researchers approved by the department pursuant to section 19a-  
100 25.

101 (2) The department shall provide access to and issuance of a copy of  
102 a sealed original birth record or certificate marked with the same  
103 notation required for such records under subsection (c) of section 7-53,  
104 as amended by this act, to any person eighteen years of age or older  
105 whose adoption was finalized on or after October 1, 2006, and for  
106 whom a new certificate of birth was established on or after October 1,  
107 2006, pursuant to section 7-53, as amended by this act, because of the  
108 adoption, or if the person is deceased, an authorized applicant as  
109 defined in subparagraph (D) of subdivision (3) of section 45a-743,  
110 provided the department is satisfied as to the identity of the person or  
111 authorized applicant requesting the record or certificate.

112 (3) Except as provided in section 19a-42a and subdivision (2) of this  
113 subsection, access to confidential files on paternity, adoption, gender

114 change or gestational agreements, or information contained within  
115 such files, shall not be released to any party, including the eligible  
116 parties listed in subdivision (1) of this subsection, except upon an  
117 order of a court of competent jurisdiction.

118 (b) No person other than the eligible parties listed in subsection (a)  
119 of this section shall be entitled to examine or receive a copy of any  
120 birth or fetal death certificate, record or information, or disclose any  
121 matter contained therein, except upon written order of a court of  
122 competent jurisdiction. Nothing in this section shall be construed to  
123 permit disclosure of information contained in the "information for  
124 medical and health use only" or the "information for statistical  
125 purposes only" section of a birth certificate, other than the Social  
126 Security numbers, race and ethnicity information of the parent or  
127 parents recorded in the "administrative purposes" section of an  
128 electronically filed birth or fetal death certificate or displayed on a  
129 manually filed birth or fetal death certificate, unless specifically  
130 authorized by the department for statistical or research purposes. Such  
131 confidential information, other than the excluded information set forth  
132 in this subsection, shall not be subject to subpoena or court order and  
133 shall not be admissible before any court or other tribunal.

134 (c) The registrar of the town in which the birth or fetal death  
135 occurred or of the town in which the mother resided at the time of the  
136 birth or fetal death, or the department, may issue a certified copy of the  
137 certificate of birth or fetal death of any person born in this state  
138 [which] that is kept in paper form in the custody of the registrar. Such  
139 certificate shall be issued upon the written request of an eligible party  
140 listed in subsection (a) of this section. Any registrar of vital statistics in  
141 this state with access, as authorized by the department, to the  
142 electronic vital records system of the department may issue a certified  
143 copy of the electronically filed certificate of birth or fetal death of any  
144 person born in this state upon the written request of an eligible party  
145 listed in subsection (a) of this section.

146 (d) The department and each registrar of vital statistics shall issue

147 only certified copies of birth certificates or fetal death certificates for  
148 births or fetal deaths occurring less than one hundred years prior to  
149 the date of the request, except as provided in subdivision (2) of  
150 subsection (a) of this section.

151 (e) (1) With respect to an original birth record or certificate that was  
152 superseded by a new birth certificate pursuant to section 7-53, as  
153 amended by this act, and that may be made available pursuant to  
154 subdivision (2) of subsection (a) of this section, upon request, the  
155 department shall make available to each birth parent, or the birth  
156 parent making the request, as the case may be, a contact preference  
157 form prescribed in this subsection on which the birth parent may state  
158 a preference regarding contact by the person whose birth was recorded  
159 or an authorized applicant. Upon request, the department shall also  
160 provide information on how to obtain from the Department of  
161 Children and Families the most recent health history form established  
162 in subdivision (10) of subsection (a) of section 45a-746, and any  
163 verified, corrected or updated information received pursuant to  
164 subsection (d) of section 45a-746.

165 (2) The contact preference form shall provide the birth parent with  
166 the following options from which the birth parent shall select one:

167 (A) I would like to be contacted.

168 (B) I would like to be contacted but only through an intermediary.

169 (C) I do not want to be contacted.

170 (3) When the department receives a completed contact preference  
171 form from a birth parent, the department shall attach the form to the  
172 adopted person's sealed original certificate or record. The form shall be  
173 confidential and copies shall only be provided to (A) the person whose  
174 birth was recorded or an authorized applicant, and (B) the state  
175 registry pursuant to section 45a-755.

176 (4) Only a person authorized by the department to issue a birth  
177 record or certificate under this section may process a contact

178 preference form.

179 Sec. 3. Section 7-53 of the general statutes is repealed and the  
180 following is substituted in lieu thereof (*Effective October 1, 2006*):

181 (a) Upon receipt of the record of adoption referred to in subsection  
182 (e) of section 45a-745 or of other evidence satisfactory to the  
183 department that a person born in this state has been adopted, the  
184 department shall prepare a new birth certificate of such adopted  
185 person, except that no new certificate of birth shall be prepared if the  
186 court decreeing the adoption, the adoptive parents or the adopted  
187 person, if over fourteen years of age, so requests. Such new birth  
188 certificate shall include all the information required to be set forth in a  
189 certificate of birth of this state as of the date of birth, except that the  
190 adopting parents shall be named as the parents instead of the [genetic]  
191 birth parents and, when a certified copy of the birth of such person is  
192 requested by an authorized person, a copy of the new certificate of  
193 birth as prepared by the department shall be provided, except as  
194 provided in section 7-51, as amended by this act.

195 (b) Any person seeking to examine or obtain a copy of the original  
196 record or certificate of birth, except an adopted person or an  
197 authorized applicant who is eligible to obtain an original record or  
198 certificate of birth pursuant to section 7-51, as amended by this act,  
199 shall first obtain a written order signed by the judge of the probate  
200 court for the district in which the adopted person was adopted or born  
201 in accordance with section 45a-753, or a written order of the Probate  
202 Court in accordance with the provisions of section 45a-752, stating that  
203 the court is of the opinion that the examination of the birth record of  
204 the adopted person by the adopting parents or the adopted person, if  
205 over eighteen years of age, or by the person wishing to examine the  
206 [same] birth record or that the issuance of a copy of such birth  
207 certificate to the adopting parents or the adopted person, if over  
208 eighteen years of age, or to the person applying [therefor] for the birth  
209 certificate will not be detrimental to the public interest or to the  
210 welfare of the adopted person or to the welfare of the [genetic] birth

211 parent or parents or adoptive parent or parents.

212 (c) Upon receipt of such court order, the registrar of vital statistics of  
213 any town in which the birth of such person was recorded, or the  
214 department, may issue the certified copy of the original certificate of  
215 birth on file, marked with a notation by the issuer that such original  
216 certificate of birth has been superseded by a replacement certificate of  
217 birth as on file, or may permit the examination of such record.

218 (d) Immediately after a new certificate of birth has been prepared,  
219 an exact copy of such certificate, together with a written notice of the  
220 evidence of adoption, shall be transmitted by the department to the  
221 registrar of vital statistics of each town in this state in which the birth  
222 of the adopted person is recorded. The new birth certificate, the  
223 original certificate of birth on file and the evidence of adoption shall be  
224 filed and indexed, under such regulations as the commissioner adopts,  
225 in accordance with chapter 54, to carry out the provisions of this  
226 section and to prevent access to the records of birth and adoption and  
227 the information [therein] contained in the records without due cause,  
228 except as provided in this section and section 7-51, as amended by this  
229 act.

230 (e) Any person, except such parents or adopted person, who  
231 discloses any information contained in such records, except as  
232 provided in this section or section 7-51, as amended by this act, shall be  
233 fined not more than five hundred dollars or imprisoned not more than  
234 six months, or both.

235 (f) Whenever a certified copy of an adoption decree from a court of  
236 a foreign country, having jurisdiction of the adopted person, is filed  
237 with the department under the provisions of this section, such decree,  
238 when written in a language other than English, shall be accompanied  
239 by an English translation, which shall be subscribed and sworn to as a  
240 true translation by an American consulate officer stationed in such  
241 foreign country.

242 Sec. 4. Section 45a-744 of the general statutes is repealed and the



243 following is substituted in lieu thereof (*Effective October 1, 2006*):

244 It is the policy of the state of Connecticut to make available to  
245 adopted and adoptable persons who are adults (1) information  
246 concerning their background and status; to give the same information  
247 to their adoptive parent or parents; and, in any case where such adult  
248 persons are deceased, to give the same information to their adult  
249 descendants, including adopted descendants; [except a copy of their  
250 original birth certificate as provided by section 7-51;] (2) to provide for  
251 consensual release of additional information which may identify the  
252 biological parents or relatives of such adult adopted or adoptable  
253 persons when release of such information is in the best interests of  
254 such persons; (3) except as provided in section 7-51, as amended by  
255 this act, with respect to original birth records and certificates, and  
256 subdivisions (4) and (5) of this section, to protect the right to privacy of  
257 all parties to termination of parental rights, statutory parent and  
258 adoption proceedings; (4) to make available to any biological parent of  
259 an adult adopted or adult adoptable person, including a person  
260 claiming to be the father who was not a party to the proceedings for  
261 termination of parental rights, information which would tend to  
262 identify such adult adopted or adult adoptable person; and (5) to make  
263 available to any adult biological sibling of an adult adopted or adult  
264 adoptable person information which would tend to identify such adult  
265 adopted or adult adoptable person.

266 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is  
267 repealed and the following is substituted in lieu thereof (*Effective*  
268 *October 1, 2006*):

269 (c) An amended certificate shall supersede the original certificate  
270 that has been changed and shall be marked "Amended", except for  
271 amendments due to parentage or gender change. The original  
272 certificate in the case of parentage or gender change shall be physically  
273 or electronically sealed and kept in a confidential file by the  
274 department and the registrar of any town in which the birth was  
275 recorded, and may be unsealed for viewing or issuance only as

276 provided in section 7-51, as amended by this act, with respect to files  
 277 on adoption, or upon a written order of a court of competent  
 278 jurisdiction. The amended certificate shall become the public record.

279 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is  
 280 repealed and the following is substituted in lieu thereof (*Effective*  
 281 *October 1, 2006*):

282 (b) Any person for whom there is only a removal of custody or  
 283 removal of guardianship, and such removal took place in this state  
 284 shall be given information [which] that may identify the biological  
 285 parent or parents or any relative of such person, upon request, in  
 286 person or in writing, in accordance with subsection [(f)] (g) of section  
 287 45a-751b, as amended by this act, provided such information with  
 288 respect to any relative shall not be released unless the consents  
 289 required in subsection [(e)] (f) of section 45a-751b, as amended by this  
 290 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	45a-751b
Sec. 2	<i>October 1, 2006</i>	7-51
Sec. 3	<i>October 1, 2006</i>	7-53
Sec. 4	<i>October 1, 2006</i>	45a-744
Sec. 5	<i>October 1, 2006</i>	19a-42(c)
Sec. 6	<i>October 1, 2006</i>	45a-750(b)

**KID**      *Joint Favorable Subst. C/R*

JUD

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Public Health, Dept.	GF - Cost	750	750

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

This bill allows a person whose adoption is finalized on and after 10/1/06 to access his or her original birth certificate, as well as a contact preference form if provided by a birth parent, once he or she turns eighteen. Currently, access to the original birth certificate is only possible after seeking a court order or consent of the biological parents.

The Department of Public Health will incur an annual cost of approximately \$750 to produce, distribute and store contract preference forms.

Other impacts upon the State Registrar of Vital Statistics would not be felt for many years. As those seeking information identifying their biological parents would predominantly be those adopted at a very young age, a noticeable workload increase would first be experienced some 15 -17 years in the future. Demand for services would progressively grow, as time elapses and more adopted persons attain eighteen years of age. Resulting costs would be associated with clerical support needed to respond to requests for documents, search archives and produce certified copies.

A minimal future revenue gain would result to the extent that the DPH would collect a \$15 fee for certified copies of birth certificates from additional individuals.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 4*****AN ACT PROVIDING ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES.*****SUMMARY:**

This bill requires the Department of Public Health (DPH) to give adopted adults copies of their sealed original birth certificates on request. Current law bars access without a biological parent's consent or probate court order.

It also creates a voluntary, non-binding procedure for biological parents to complete a DPH form indicating whether they want to be contacted by their adopted children. DPH must attach completed forms to the sealed birth certificates and make them available to adult adoptees on request.

The bill applies to adoptions completed on and after October 1, 2006. Disclosure is not required until these adoptees reach at least age 18.

Finally, the bill requires DPH to tell people permitted to get copies of an adopted child's medical history record how to do so.

EFFECTIVE DATE: October 1, 2006

**§§ 1 & 2 — COPIES OF ORIGINAL BIRTH CERTIFICATES**

The bill specifies that requests for original birth certificates may come from either the adult adopted person or, if he is deceased, any of his adult descendants. If DPH is satisfied as to the requestor's identity, it must provide access to and a copy of the sealed original birth certificate.

It must mark the copy with a notation that the birth certificate has been superseded by a replacement (see BACKGROUND). This is the same notation required when a certified copy of a sealed original is issued pursuant to a probate court order.

## **§ 2 — CONTACT PREFERENCE**

DPH must give a contact preference form to any birth parent who requests it. The parent must indicate whether he:

1. would like to be contacted,
2. would only like to be contacted through an intermediary, or
3. does not want to be contacted.

DPH employees authorized to issue birth certificates must attach completed forms to the adopted person's sealed original certificate. The department may provide copies only to the (1) adult adoptee or his descendants and (2) state adoption registry.

## **§ 2 — HEALTH HISTORY FORMS**

By law, the Department of Children and Families (DCF) and adoption agencies must make reasonable efforts to compile non-identifying information about the biological parents of a child who is placed or free for adoption. This information is disclosable to adult adoptees and birth parents, among others, and may include a health history of the child's parents and blood relatives.

The bill requires DPH to tell these people how to get this information from DCF.

## **BACKGROUND**

### ***Sealed Birth Certificates***

In most cases, DPH seals the original birth certificate when a probate court notifies it that a child born in Connecticut has been adopted. It prepares a new certificate substituting the adoptive parents' names for those appearing on the original certificate.

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 12 Nay 0 (03/09/2006)

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 3 (03/24/2006)